

**TOWN OF SULLIVAN
PROPOSED LOCAL LAW NO. C OF 2022**

**A LOCAL LAW AMENDING CHAPTER 186 (“NOTIFICATION OF DEFECTS”)
OF THE TOWN OF SULLIVAN TOWN CODE**

Be it enacted by the Town Board of the Town of Sullivan as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2.

Chapter 186 (“Notification of Defects”) of the Town of Sullivan Town Code is hereby amended by deleting the existing Section 186-1 (“Purpose”) in its entirety and replacing the same with the following new Section 186-1 as follows:

§186-1 Purpose.

It is the purpose of this chapter to provide that prior written notice of a highway, bridge, street, sidewalk, crosswalk, culvert, ditch or swale defect is required to maintain a civil action against the Town of Sullivan or the Town of Sullivan Superintendent of Highways.

SECTION 3.

Chapter 186 (“Notification of Defects”) of the Town of Sullivan Town Code is hereby amended by deleting the existing Section 186-3 (“Prior written notice of highway defect required to maintain civil action”) in its entirety and replacing same with the following new Section 186-3 as follows:

§186-3 Prior written notice of highway defect required to maintain civil action.

No civil action shall be maintained against the Town of Sullivan or the Town of Sullivan Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk, culvert, ditch or swale being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, street, sidewalk, crosswalk, culvert, ditch or swale was actually given to the Town Clerk of the Town of Sullivan or the Town of Sullivan Superintendent of Highways, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No civil action shall be maintained against the Town of Sullivan or the Town of Sullivan Superintendent of Highways for damages or

injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, culvert ditch or swale, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town of Sullivan or the Town of Sullivan Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

SECTION 4.

Chapter 186 (“Notification of Defects”) of the Town of Sullivan Town Code is hereby amended by deleting the existing Section 186-5 (“Record of notice”) in its entirety and replacing same with the following new Section 186-5 as follows:

§186-5 Record of notice.

The Town Clerk shall keep an indexed record, in a separate book, of all written notices which they shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town highway, bridge, street, sidewalk, crosswalk, culvert, ditch or swale, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.